

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DAMEN D. RABB,

Plaintiff,

v.

ESTEVEN FIGUEROA, et al.,

Defendants.

Case No. 1:23-cv-00843-SAB

ORDER HOLDING APPLICATION TO
PROCEED *IN FORMA PAUPERIS* IN
ABEYANCE PENDING SUBMISSION OF
CERTIFIED ACCOUNT STATEMENT

(ECF No. 2)

On June 1, 2023, Damen D. Rabb, (“Plaintiff”), currently incarcerated at the California Correctional Institution, Tehachapi, filed this civil rights action pursuant to 42 U.S.C. § 1983. (ECF No. 1.) The complaint, although appearing to be completed by the party, is signed by counsel. (ECF No. 1 at 11.) Plaintiff also submitted an application to proceed *in forma pauperis*. (ECF No. 2.) Therein, the form specifies that if the party has “an account in the institution,” the party is to certify they “have attached . . . a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months for any institutional account.” (ECF No. 2 at 1.) Plaintiff did not provide such certified account statement. Therefore, the Court is unable to determine if Plaintiff is entitled to proceed without prepayment of fees in this action as the application is not complete.

Typically, as a service to *pro se* inmates, the Court has a process whereby the information consistent with the statement is submitted without the need for a plaintiff to provide such

1 statement so the Court can make its proper determination under the law. Therefore, consistent
2 with that process the Court will direct the California Department of Corrections and
3 Rehabilitation to submit a certified prison trust account statement. The Court notifies the
4 Plaintiff that the Court shall do so in this action, and will consider the application to proceed *in*
5 *forma pauperis* when the trust account statement is received.

6 Accordingly, IT IS HEREBY ORDERED that Plaintiff's application to proceed *in forma*
7 *pauperis* (ECF No. 2) is held in ABEYANCE pending submission of the prisoner trust account
8 statement.

9
10 IT IS SO ORDERED.

11 Dated: **June 6, 2023**


UNITED STATES MAGISTRATE JUDGE